

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 21, 2005. Through this response, Applicants have amended claims 1, 11, 15, 17, 21, and 23. Reconsideration and allowance of the application and pending claims 1-33 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(b)

A. Statement of the Rejection

Claims 1, 2, 5, 8, 14, 16, 20-22, 25, 27 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Isberg et al.* ("*Isberg*," U.S. Pat. No. 6,029,052). Applicants respectfully traverse this rejection.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the *Isberg* reference.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. A method for receiving signals based on a plurality of systems, the method comprising:
 - converting a first signal based on a first system to a first baseband signal;
 - converting a second signal based on a second system to a second baseband signal;
 - processing the first baseband signal using baseband components;
 - and
 - processing the second baseband signal using the baseband components, ***wherein processing the first baseband signal and the second baseband signal comprises selectively filtering and selectively DC-offset correcting the first and second baseband signal.***

Applicants respectfully submit that *Isberg* does not disclose at least the emphasized claim features. Thus, Applicants respectfully submit that *Isberg* fails to anticipate independent claim 1 and respectfully request that the rejection be withdrawn.

Because independent claim 1 is allowable over *Isberg*, dependent claims 2-10 are allowable as a matter of law for at least the reason that the dependent claims 2-10 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 11

Claim 11 recites (with emphasis added):

11. A multi-mode receiver system for processing signals based on a plurality of systems, comprising:
 - a baseband section configured to process a first baseband signal based on a first system using baseband components, wherein the baseband section is further configured to process a second baseband signal based on a second system using the baseband components, ***wherein the baseband components comprise selectable low-pass filters and selectable DC-offset correction elements.***

Applicants respectfully submit that *Isberg* does not disclose at least the emphasized claim features. Thus, Applicants respectfully submit that *Isberg* fails to anticipate independent claim 11 and respectfully request that the rejection be withdrawn.

Because independent claim 11 is allowable over *Isberg*, dependent claims 12-20 are allowable as a matter of law.

Independent Claim 21

Claim 21 recites (with emphasis added):

21. A transceiver, comprising:
means for transmitting signals;
means for receiving signals, wherein the means for receiving includes pre-converting processing means;
means for converting a first signal based on a first system to a first baseband signal;
means for converting a second signal based on a second system to a second baseband signal; and
means for processing the first baseband signal, wherein the means for processing the first baseband signal is used for processing the second baseband signal, ***wherein the means for processing the first baseband signal comprises means for selectively filtering and means for selectively DC-offset correcting the first and second baseband signal.***

Applicants respectfully submit that *Isberg* does not disclose at least the emphasized claim features. Thus, Applicants respectfully submit that *Isberg* fails to anticipate independent claim 21 and respectfully request that the rejection be withdrawn.

Because independent claim 21 is allowable over *Isberg*, dependent claims 22-27 are allowable as a matter of law.

Due to the shortcomings of the *Isberg* reference described in the foregoing, Applicants respectfully assert that *Isberg* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claims 3, 4, 6, 7, 9, 10, 15, 17, 18, 19, 23, 24, 26 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Isberg* in view of *Peterzell et al.* (“*Peterzell*,” U.S. Pat. No. 6,694,129B2). Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Isberg* in view of *Robinett* (“*Robinett*,” U.S. Pub. No. 20020193108). Claims 28-33 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Isberg* in view of *Peterzell*. Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make

the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, Applicants respectfully submit that a *prima facie* case for obviousness has not been established.

Dependent Claims 3, 4, 6, 7, 9, and 10

Isberg does not disclose, teach, or suggest at least the above mentioned emphasized features of independent claim 1. It is respectfully submitted that *Peterzell* does not remedy these deficiencies. Since dependent claims 3, 4, 6, 7, 9, and 10 inherit the limitations of independent claim 1, Applicants respectfully submit that *Isberg* and *Peterzell* fail to disclose, teach, or suggest the features of claims 3, 4, 6, 7, 9, and 10. Thus, Applicants respectfully request that the rejection to these claims be withdrawn.

Additionally, the Office Action alleges on page 5 with regard to claim 9 that "it is inherent that the sampling rates found in the baseband processor would vary to accommodate the Nyquist theorem." Applicants respectfully disagree with this inherency argument. According to MPEP 2112, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (emphasis not added) There is no mention in either *Isberg* or *Peterzell* about varying the sampling rates (*i.e.*, a baseband component having a first and second sampling rate). In *Peterzell*, col. 8, lines 45-57 provide as follows:

FIG. 5 depicts one RF signal path including one duplexer 312, one LNA 320 and one BPF 330. However, multiple RF signal paths may be included in receiver 200. Each signal path may correspond to one or more particular operating frequency bands of receiver 200. For instance, receiver 200 may include respective Cellular, PCS, IMT, and GSM signal paths. Each RF path may include, as needed, a duplexer, switch, and/or bandpass filter, a

LNA, a BPF, and I and Q mixers. Additionally, simultaneous GPS reception while operating with other modes may require separate LO generation, baseband amplifiers, analog low-pass filters, analog-to-digital converters, I/Q digital processing, and demodulation.

Thus, it appears that separate paths may need to be provided to accommodate different sampling requirements, and thus the alleged inherency does not necessarily follow. Thus, applicants respectfully traverse this finding of inherency and request that the rejection on these grounds be withdrawn.

Dependent Claims 15, 17, 18, and 19

Isberg does not disclose, teach, or suggest at least the above mentioned emphasized features of independent claim 11. It is respectfully submitted that *Peterzell* does not remedy these deficiencies. Since dependent claims 15, 17, 18, and 19 inherit the limitations of independent claim 11, Applicants respectfully submit that *Isberg* and *Peterzell* fail to disclose, teach, or suggest the features of claims 15, 17, 18, and 19.

Thus, Applicants respectfully request that the rejection to these claims be withdrawn.

Additionally, the Office Action alleges on page 5 with regard to claim 18 that “it is inherent that the sampling rates found in the baseband processor would vary to accommodate the Nyquist theorem.” As explained above in association with claim 9, Applicants respectfully disagrees with this inherency argument. There is no mention in either *Isberg* or *Peterzell* about varying the sampling rates (*i.e.*, a baseband component having a first and second sampling rate). For instance, from *Peterzell* (col. 8, lines 45-57), it appears that separate paths may need to be provided to accommodate different sampling requirements, and thus the alleged inherency does not necessarily follow. Thus,

applicants respectfully traverse this finding of inherency and request that the rejection on these grounds be withdrawn.

Dependent Claims 23, 24, and 26

Isberg does not disclose, teach, or suggest at least the above mentioned emphasized features of independent claim 21. It is respectfully submitted that *Peterzell* does not remedy these deficiencies. Since dependent claims 23, 24, and 26 inherit the limitations of independent claim 21, Applicants respectfully submit that *Isberg* and *Peterzell* fail to disclose, teach, or suggest the features of claims 23, 24, and 26. Thus, Applicants respectfully request that the rejection to these claims be withdrawn.

Dependent Claims 12 and 13

Isberg does not disclose, teach, or suggest at least the above mentioned emphasized features of independent claim 11. It is respectfully submitted that *Robinett* does not remedy these deficiencies. Since dependent claims 12 and 13 inherit the limitations of independent claim 11, Applicants respectfully submit that *Isberg* and *Peterzell* fail to disclose, teach, or suggest the features of claims 12 and 13. Thus, Applicants respectfully request that the rejection to these claims be withdrawn.

Independent Claim 28 and Dependent Claims 29-33

Applicants respectfully request clarification of this rejection. It is asserted in the Office Action (Page 6, section 6a) that *Isberg* “does not disclose a digital-broadcast system that shares the common baseband processor,” and that *Peterzell* “does not explicitly disclose processing digital broadcasted signals.” However, the Office Action then submits a non-patent publication document dated 2004 to apparently remedy the deficiencies of *Peterzell* and *Isberg*. Of course, the non-patent publication document is

an improper anticipatory reference as it does not pre-date the filing date of Applicants' disclosure. Thus, because *Peterzell* and *Isberg* fail to disclose, teach, or suggest all of the claimed limitations of independent claim 28, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 28 is allowable over *Isberg*, dependent claims 29-33 are allowable as a matter of law.

Additionally, the Office Action alleges with regard to claim 30 that "since each mode uses a different frequency, it would be inherent that the bandwidths use to process each mode must change. Applicants disagree, and respectfully traverse this finding of inherency. As pointed out in the discussion pertaining to claims 9 and 18, one possibility for processing would be to add signal paths. Nothing in *Isberg* (or *Peterzell*) discusses or teaches the switchable bandwidths of a DC-correction element as alleged by the Office Action. In fact, it is pointed out in *Isberg* that *Isberg*'s system employs "conventional baseband processing" (col. 3, lines 50-53). Thus, Applicants respectfully request that the rejection of dependent claim 30 be withdrawn.

Further, with regard to dependent claims 32 and 33, inherency is again alleged with regard to varying sampling rates. As discussed in association with claims 9 and 18, Applicants respectfully traverse this finding of inherency since separate signal paths may be employed. Thus, applicants respectfully request that the rejection to claims 32 and 33 be withdrawn.

In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of

these claims is patentable over the art of record and that the rejection of these claims should be withdrawn.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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